


Councilmember Harold Brazil

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Harold Brazil introduced the following bill, which was referred to the
the Committee on the _____.

To amend Title 21 to permit the involuntary civil commitment of mentally retarded
persons who, because of their mental retardation, are likely to injure others if
allowed to remain at liberty.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
that this act the "Involuntary Civil Commitment of Persons Who Because of Their Mental
Retardation are Likely to Injure Others Act of 2002".

Sec. 2. Section 21-501 is amended as follows:

(a) By inserting a new paragraphs 6-1 and 6-2 to read as follows:

"(6-1) "Mental retardation" means a significantly subaverage general intellectual
level existing concurrently with impairment in adaptive behavior, which originates during
the developmental period;

"(6-2) "Mentally retarded person" means a person who suffers from mental
retardation, but does not include a person committed to a private or public hospital in the
District of Columbia by order of the court in a criminal proceeding;"

1 (b) Paragraphs 8 and 9 are amended by inserting the phrase "or mental
2 retardation" after the phrase "mental illness" each time it appears.
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4 Sec. 3. Section 21-503 is amended by inserting the phrase "or mentally retarded" after the
5 phrase "mentally ill" each time it appears.
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7 Sec. 4. Section 21-541 is amended by inserting the phrase "or mentally retarded"
8 after the phrase "mentally ill" each time it appears and by inserting the phrase "or
9 retardation" after the word "illness" each time it appears.
10

11 Sec. 5. Section 21-542 is amended by inserting the phrase "or mentally retarded"
12 after the phrase "mentally ill" each time it appears and by striking the comma and
13 inserting the phrase "or, because of the retardation, is likely to injure other persons if
14 allowed to remain at liberty;" after the phrase "because of the illness, is likely to injure
15 himself or other persons if allowed to remain at liberty" each time it appears.
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17 Sec. 6. Section 21-543 is amended by inserting the phrase "or mentally retarded"
18 after the phrase "mentally ill".
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20 Sec. 7. Section 21-544 is amended by inserting the phrase "or mentally retarded"
21 after the phrase "mentally ill" each time it appears, and by striking the comma and
22 inserting the phrase "or, because of the retardation, is likely to injure other persons if
23 allowed to remain at liberty;" after the phrase "because of the illness, is likely to injure
24 himself or other persons if allowed to remain at liberty" each time it appears.
25

26 Sec. 8. Subsection 21-545(b) is amended by inserting the phrase "or mentally
27 retarded" after the phrase "mentally ill" each time it appears, and by inserting the phrase
28 "or, because of the retardation, is likely to injure other persons if allowed to remain at

1 liberty;" after the phrase "because of the illness, is likely to injure himself or other
2 persons if allowed to remain at liberty".

3
4 Sec. 9. Section 21-546 is amended as follows by striking the comma and inserting
5 the phrase "or is no longer mentally retarded to the extent that he is likely to injure other
6 persons if not hospitalized," after the phrase or is no longer mentally ill to the extent that
7 he is likely to injure other persons if not hospitalized" each time it appears and by
8 inserting the phrase "or mentally retarded" after the phrase "mentally ill".

9
10 Sec. 10. A new section 21-552 is inserted to read as follows:

11 "Section 21-552.

12 "The provisions of D.C. Official Code sections 7-1303.01 through 7-1305.14
13 shall not apply to persons for whom involuntary civil commitment is sought or ordered
14 under this subchapter."

15
16 Section 11. Fiscal Impact.

17 The Council adopts the fiscal impact statement in the Committee Report as the
18 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
19 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official code Section 1-
20 206(c)(3)).

21
22 Section 12. Effective Date

23 This act shall take effect following approval by the Mayor (or in the event of veto
24 by the Mayor, action by the Council to override the veto), and a 30-day period of
25 Congressional review as provided in section 602(c)(1) of the District of Columbia Home
26 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code Section 1-
27 206.02(c)(1)), and publication in the District of Columbia Register.